

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BOROUGH OF EDGEWATER,

Plaintiff,

v.

WATERSIDE CONSTRUCTION, LLC; 38 COAH , LLC; DAIBES BROTHERS, INC.; NORTH RIVER MEWS ASSOCIATES, LLC; FRED A. DAIBES; TERMS ENVIRONMENTAL SERVICES, INC.; ALCOA INC.; ALCOA DOMESTIC, LLC, as successor in interest to A.P. NEW JERSEY, INC.; HUDSON SPA, LLC; JOHN DOES 1-100; ABC CORPORATIONS 1-100,

Defendants

and

WATERSIDE CONSTRUCTION, LLC; 38 COAH LLC; DAIBES BROTHERS, INC.; NORTH RIVER MEWS ASSOCIATES, LLC; FRED A. DAIBES,

Defendants/ Third-Party Plaintiffs

v.

NEGLIA ENGINEERING ASSOCIATES,

Third-Party Defendants,

and

ALCOA DOMESTIC, LLC as successor in interest to A.P. NEW JERSEY, INC.,

Defendant/Third-Party Plaintiff,

v.

COUNTY OF BERGEN; RIVER ROAD IMPROVEMENT PHASE II, INC.; HUDSON SPA, LLC,

Third-Party Defendants.

Civil Action No. 14-5060

ORDER

John Michael Vazquez, U.S.D.J.

For the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 3rd day of September, 2021,

ORDERED that the motion filed by TERMS Environmental Services, Inc. (“TERMS”) for summary judgment (D.E. 343) is **GRANTED in part** and **DENIED in part**; and it is further

ORDERED that TERMS’ motion (D.E. 343) is **GRANTED** as to the CERCLA claim asserted by Plaintiff Borough of Edgewater (“Edgewater”); and it is further

ORDERED that TERMS’ motion (D.E. 343) is **GRANTED** as to the CERCLA contribution claims asserted by Arconic Inc. (f/k/a Alcoa Inc.) and Arconic Domestic, LLC (f/k/a Alcoa Domestic LLC, as successor in interest to A.P. New Jersey, Inc.) (collectively “Arconic”) and Waterside Construction, LLC, 38 COAH, LLC, Daibes Brothers, Inc., North River Mews Associates, LLC, and Fred Daibes (“the Waterside Defendants”); and it is further

ORDERED that TERMS’ motion (D.E. 343) is **GRANTED** as to the breach of contract claim asserted by the Waterside Defendants; and it is further

ORDERED that TERMS’ motion (D.E. 343) is **GRANTED** as to the indemnification claims asserted by Arconic and the Waterside Defendants; and it is further

ORDERED that TERMS’ motion (D.E. 343) is otherwise **DENIED**.



John Michael Vazquez, U.S.D.J.